

2 inches in diameter or  $4 \times 4$  size, or smaller; or when the area exceeds that of a circle one-fourth inch in diameter on a fruit larger than 2 inches in diameter or  $4 \times 4$  size;

(2) Fairly smooth or smooth russetting or staining when the area exceeds 10 percent of the fruit surface: *Provided*, That speckling characteristic of certain varieties shall not be considered as russetting or discoloration.

#### §51.3157 Damage.

*Damage* means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

- (a) Growth cracks:
  - (1) When not healed;
  - (2) When more than one in number;
  - (3) When more than one-eighth inch in depth;
  - (4) When more than three-eighths inch in length if within the stem cavity; or,
  - (5) When more than one-fourth inch in length if outside of the stem cavity;
- (b) Heat injury, sprayburn or sunburn:
  - (1) When the skin is blistered, cracked, or decidedly flattened;
  - (2) When the normal color of the skin or flesh has materially changed;
  - (3) When there is more than one indentation; or,
  - (4) When an indentation exceeds three-sixteenths inch in diameter;
- (c) Scab or bacterial spot when cracked, or when the aggregate area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or  $4 \times 4$  size, or smaller; or when the aggregate area exceeds that of a circle three-eighths inch in diameter on a fruit larger than 2 inches in diameter or  $4 \times 4$  size;
- (d) Scale or scale marks when the aggregate area exceeds that of a circle one-fourth inch in diameter;
- (e) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(f) Scars, including those caused by hail, when the surface of the fruit is depressed more than one-sixteenth inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark or rough scars when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or  $4 \times 4$  size, or smaller; or when the aggregate area exceeds that of a circle three-eighths inch in diameter on a fruit larger than 2 inches in diameter or  $4 \times 4$  size;

(2) Fairly light colored, fairly smooth scars when the area exceeds that of a circle one-half inch in diameter on a fruit 2 inches in diameter or  $4 \times 4$  size, or smaller; or when the area exceeds that of a circle five-eighths inch in diameter on a fruit larger than 2 inches in diameter or  $4 \times 4$  size;

(3) Light colored, smooth scars when the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or  $4 \times 4$  size, or smaller; or when the area exceeds that of a circle seven-eighths inch in diameter on a fruit larger than 2 inches in diameter or  $4 \times 4$  size;

(4) Twig or limb scratches which are not well healed or which have an aggregate length of more than one-half inch; and

(g) Russetting which exceeds any of the following aggregate areas of any one type of russetting, or a combination of two or more types of russetting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough russetting when the area exceeds that of a circle one-fourth inch in diameter on a fruit 2 inches in diameter or  $4 \times 4$  size, or smaller; or when the area exceeds that of a circle one-half inch in diameter on a fruit larger than 2 inches in diameter or  $4 \times 4$  size;

(2) Slightly rough russetting when the area exceeds that of a circle five-eighths inch in diameter on a fruit 2 inches in diameter or  $4 \times 4$  size, or smaller; or when the area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter or  $4 \times 4$  size;

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(3) Fairly smooth or smooth russetting when the area exceeds 25 percent of the fruit surface of Freedom, Early LeGrand, and Quetta varieties and 15 percent of the fruit surface of other varieties: *Provided*, That discoloration occurring as yellow to brown staining of the skin shall not be considered as russetting and shall be considered as causing damage only when materially detracting from the appearance of the nectarine, and that speckling characteristic of certain varieties shall not be considered as russetting or discoloration.

§ 51.3158 **Badly misshapen.**

*Badly misshapen* means that the nectarine is so decidedly deformed that its appearance is seriously affected.

§ 51.3159 **Serious damage.**

*Serious damage* means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

- (a) Growth cracks:
  - (1) When not healed and more than one-eighth inch in length or depth;
  - (2) When healed and more than three-sixteenths inch in depth;
  - (3) When healed and aggregating more than five-eighths inch in length if within the stem cavity; or,
  - (4) When healed and aggregating more than one-half inch in length if outside of the stem cavity;
- (b) Heat injury, sprayburn or sunburn:
  - (1) When the skin is blistered, cracked, or decidedly flattened;
  - (2) When causing any dark discoloration of the flesh;
  - (3) When there are more than two indentations;
  - (4) When the aggregate area of indentations exceeds that of a circle three-eighths inch in diameter; or,
  - (5) When causing noticeable brownish or darker discoloration over more than one-fourth of the fruit surface;
- (c) Scab or bacterial spot when the aggregate area exceeds that of a circle one-half inch in diameter on a fruit 2

inches in diameter or 4 × 4 size, or smaller; or when the aggregate area exceeds that of a circle three-fourths inch in diameter on a fruit larger than 2 inches in diameter or 4 × 4 size;

(d) Scale or scale marks when the aggregate area exceeds that of a circle three-eighths inch in diameter;

(e) Split pit when causing any unhealed crack or when healed and aggregating more than three-eighths inch in length, or when affecting the shape to the extent that the fruit is badly misshapen;

(f) Drought spots or external gum spots which have an aggregate area exceeding that of a circle one-half inch in diameter;

(g) Scars, including those caused by hail, when the surface of the fruit is depressed more than three-sixteenths inch, or when exceeding any of the following aggregate areas, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Dark or rough scars when the area exceeds that of a circle three-fourths inch in diameter on a fruit 2 inches in diameter or 4 × 4 size, or smaller; or when the area exceeds that of a circle one inch in diameter on fruit larger than 2 inches in diameter or 4 × 4 size;

(2) Scars which are not dark or rough when the area exceeds one-fourth of the fruit surface;

(h) Russetting which exceeds any of the following aggregate areas of any one type of russetting, or a combination of two or more types of russetting the seriousness of which exceeds the maximum allowed for any one type:

(1) Rough or slightly rough russetting when the area exceeds 10 percent of the fruit surface; or

(2) Fairly smooth or smooth russetting when the area exceeds 50 percent of the fruit surface: *Provided*, That discoloration occurring as yellow to brown staining of the skin shall not be considered as causing serious damage only when seriously detracting from the appearance of the nectarine, and that speckling characteristic of certain varieties shall not be considered as russetting or discoloration.

(i) Soft or overripe nectarines;

(j) Nectarines affected by decay;